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9 UNITED STATES DISTRICT COURT  
10 NORTHERN DISTRICT OF CALIFORNIA

11 Case No. 3:23-mc-80122

12 (Originating Case: Silva v. Doe 1, et al., S.D.  
13 Fla. 1:22-cv-24262-RKA)

14 *IN RE: SUBPOENA TO X CORP., Successor*  
15 *in Interest to TWITTER, INC.*

16 **[PROPOSED] ORDER GRANTING**  
17 **PLAINTIFF RICCARDO SILVA'S**  
18 **MOTION TO COMPEL THIRD-PARTY**  
19 **TWITTER, INC. TO RESPOND TO**  
20 **SUBPOENA**

21 The Motion of Plaintiff Riccardo Silva ("Plaintiff") for an order compelling third-party  
22 X Corp., the successor in interest to Twitter, Inc. ("Twitter"), to produce the documents and  
23 information requested in Plaintiff's Subpoena, served on Twitter on April 3, 2023 ("Motion to  
24 Compel"), came on for hearing on this \_\_\_\_ day of \_\_\_\_\_, 2023, before  
25 \_\_\_\_\_. The matter having been submitted, based on the supporting and  
26 opposing papers, the record evidence, and all related documents filed with the Court in  
27 connection with this motion, as well as oral arguments at the hearing, and good cause appearing  
28 therefor, the Court hereby ORDERS as follows:

1 Plaintiff's Motion to Compel is GRANTED. On a motion to compel a service provider to  
 2 produce information that could potentially reveal the identity of an anonymous speaker, the party  
 3 seeking the information must first "persuade the court that there is a real evidentiary basis for  
 4 believing that the defendant has engaged in wrongful conduct that has caused real harm to the  
 5 interests of the plaintiff." *Music Grp. Macao Com. Offshore Ltd. v. Does*, 82 F. Supp. 3d 979, 983  
 6 (N.D. Cal. 2015) (citing *Highfields Cap. Mgmt., L.P. v. Doe*, 385 F. Supp. 2d 969, 975-76 (N.D.  
 7 Cal. 2005)). The Court is so persuaded.

8 The Court further finds that Plaintiff Silva has satisfied the applicable legal requirements  
 9 under the First Amendment for the requested discovery by making a *prima facie* showing on the  
 10 merits of his claim and further finds that the balance of the equities, weighing the potential harm  
 11 to Mr. Silva against the speaker's interest in anonymity, favors disclosure here. See e.g., *In re*  
 12 *DMCA § 512(h) Subpoena to Twitter, Inc.*, 608 F. Supp.3d 868, 876.

13 Finally, the service provider (*i.e.*, Twitter) has represented that it has transmitted notice of  
 14 the subpoena and this motion to compel proceeding to the anonymous speaker based on the  
 15 available information for the account.

16 Accordingly, the First Amendment safeguards have been met, and Twitter is ordered to  
 17 comply with the Subpoena and provide the requested information and documents.

18  
 19 **IT IS SO ORDERED.**

20 Dated: \_\_\_\_\_

UNITED STATES DISTRICT JUDGE